

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PLAINTIFF'S INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and Local Rule 26.1, Plaintiff discloses the following based on currently available information. The numbered paragraphs below are styled in accordance with Appendix B to the Local Rules for the Northern District of Georgia. Plaintiff reserves the right to amend and supplement these disclosures as additional facts become known during the pendency of litigation and discovery.

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff's contentions as to what defendant did or failed to do, and a succinct statement of the legal issues in the case.

This is a personal injury action arising out of a motor vehicle collision that occurred on May 4, 2021. Plaintiff was operating his vehicle on I-285 South in Atlanta. At the same time, Defendant Williams was operating a tractor trailer on I-285 South in Atlanta. The front of the tractor trailer operated by Defendant Williams collided with the rear of Plaintiff's vehicle, causing extensive property damage and personal injury to Plaintiff.

The tractor trailer driven by Defendant Williams was owned/leased/controlled by Defendant Verosy Logistics, Inc. Defendant Williams was acting within the course and scope of his employment, contractual agreement, or was otherwise acting as an agent of Defendant Verosy Logistics, Inc. At the time of the subject collision, Defendants Williams and Verosy Logistics, Inc., had a policy of liability insurance with Defendant Northland Insurance Company, and Plaintiff has brought a direct action pursuant to O.C.G.A. § 41-1-112

(2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

- O.C.G.A. § 40-6-1 et seq (Georgia Uniform Rules of the Road);
- O.C.G.A. § 40-6-181;
- O.C.G.A. § 40-6-49;
- General tort law (O.C.G.A. § 51-1-1 et seq.);
- O.C.G.A. § 41-1-112
- Federal Motor Carrier Safety Regulations (49 CFR 40, 300-399)

- Respondeat Superior and vicarious liability.

(3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)

See Attachment A.

Plaintiff will supplement this Response as required by the Federal Rules of Civil Procedure.

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

Plaintiff has not retained any experts at this time, but will supplement this response as required by the Federal Rules of Civil Procedure.

(5) Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

See Plaintiff's list of documents provided as Attachment C. Plaintiff will supplement this Response as required by the Federal Rules of Civil Procedure.

(6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such

documents or evidentiary material available for inspection and copying as under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

Plaintiff is seeking the recovery of medical expenses, lost wages, incidental and consequential damages, and general damages for pain, suffering, and loss of enjoyment.

As of the date of these Initial Disclosures, Plaintiff has \$50,363.98 in medical expenses which are a direct result of the subject collision.

As of the date of these Initial Disclosures, Plaintiff has \$59,077.20 in lost wages (UPS: \$46,477.20)(E-Board: \$9,100.00)(Union Trustee: \$3,500.00).

Plaintiff will supplement this Response as required by the Federal Rules of Civil Procedure.

(7) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Plaintiff is not presently aware of responsive documents in his possession, custody, or control. Plaintiff may supplement this Response in accordance with the Federal Rules of Civil Procedure.

(8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiffs cause of action and state the basis and extent of such interest.

Plaintiff is presently unaware of any subrogation interests, but will continue to investigate same and will supplement if any entity asserts a subrogation interest.

This 3rd Day of August, 2023.

STEWART MILLER SIMMONS TRIAL
ATTORNEYS

/s/ Nathaniel K. Hofman
Madeleine N. Simmons
GA Bar No. 822807
Nathaniel K. Hofman
GA Bar No. 997966
Attorney for Plaintiff

55 Ivan Allen Jr. Blvd
Suite 700
Atlanta, GA 30308
msimmons@smstrial.com
nhofman@smstrial.com

ATTACHMENT A

Plaintiff's List of Persons With Information

- Plaintiff, who may be contacted through counsel;
- Defendant Williams, who may be contacted through counsel;
- Representatives of Verosy Logistics, Inc., who may be contacted through counsel;
- Jamie Sheets, who was listed as a person involved in the subject collision on the police report, (678) 834-4640, 4 Sunnybrook Terrace, Newnan, GA 30265;
- Jimmy Henderson, who was listed as a person involved in the subject collision on the police report, telephone unknown, 2958 River Ridge Drive SW, Atlanta, GA 30354;
- Deja Adams, who was listed as a person involved in the subject collision on the police report, (601) 934-3352, 607 13th Ave, Meridian, MS 39301;
- Marquitta Pitts, who was listed as a person involved in the subject collision on the police report, telephone unknown, 404 Chase Ridge Drive, Riverdale, GA 30296;
- Dawn Sheets, who was listed as a person involved in the subject collision on the police report, telephone unknown, 4 Sunnybrook Terrace, Newnan, GA 30265;

- Marilyn Bighon, who may be contacted through Plaintiff's counsel;
- Orlando Rivera, who was listed as a person involved in the subject collision on the police report, telephone unknown, 404 Chase Ridge Drive, Riverdale, GA 30296;
- Jessica Adams, who was listed as a person involved in the subject collision on the police report, telephone unknown, 607 13th Ave., Meridian, MS 39301;
- Officers with the Atlanta Police Department, specific identification presently unknown, who investigated the subject collision;
- Plaintiff's medical providers, who treated Plaintiff for injuries resulting from the subject collision;
- Matt Higdon, president of the teamsters E-Board who has information regarding Plaintiff's lost wage claim, (404) 622-0521, 2540 Lakewood Ave. SW, Atlanta, GA 30315;
- David C. Harns, who has information regarding Plaintiff's lost wage claim, personal contact information presently unknown;
- Any person identified by Defendants in their initial disclosures or discovery responses.

Plaintiff will continue to amend and supplement these responses as required by the Federal Rules of Civil Procedure.

ATTACHMENT C

Plaintiff's List of Documents and Tangible Things

- Plaintiff's medical records and bills;
- Lost wage verification forms;
- The police report;
- Photographs taken at the scene of the subject collision.

Plaintiff will amend and supplement these responses as required by the Federal Rules of Civil Procedure.

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing ***Plaintiff's Initial Disclosures*** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all counsel of record in this action.

The undersigned, in accordance with L.R. 7.1 and 5.1(c), hereby certifies that the type font used herein is 14-Point Times New Roman.

This 3rd day of August, 2023.

/s/ Nathaniel K. Hofman
MADELEINE N. SIMMONS
Georgia Bar No. 822807
NATHANIEL K. HOFMAN
Georgia Bar No. 997966
Attorneys for Plaintiff

Stewart Miller Simmons Trial Attorneys
55 Ivan Allen Jr. Blvd.
Suite 700
Atlanta, GA 30308
Tel: (404) 529-3476
Fax: (470) 514-3685